

O'Neil 2000-0434

Remarks

Reconsideration of remaining claims 1-3, 5-9, 20 and 22 is respectfully requested.

In the Office action dated April 1, 2004 (application Paper No. 3), the Examiner rejected the submitted claims under 35 USC §§ 101 and 103(a). The Examiner's rejections will be addressed below in the order appearing in the Office action.

35 USC § 101 Rejection - Claims 10, 12-14, 15 and 18

The Examiner first rejected the above-cited claims under 35 USC 101 inasmuch as the claims were considered to be drawn to non-statutory subject matter. These claims have been cancelled from this application and, therefore, the Examiner's rejection need not be discussed.

35 USC § 103(a) Rejection - Claims 1-22

The Examiner also rejected all pending claims 1-22 under 35 USC 103(a) as being unpatentable US Patent 6,512,919 (Ogasawara) in view of US Patent 5,850,599 (Seiderman). The Examiner cited Ogasawara as teaching "all the steps, methods, systems, and means described in claims 1-22", except that the cited reference "does not specifically teach non-disclosure of payment information to the merchant". The Examiner then cited Seiderman as teaching "a credit card clearance center that accepts the credit card payment and transmits the payment to the merchant, thus rendering it unnecessary for the merchant to have any knowledge of the user's payment information except for the dollar amount and identification of the purchased service". The Examiner then concluded that the subject matter of the present invention would be rendered obvious by a combination of Ogasawara and Seiderman.

In response, applicant asserts that the arrangement of Seiderman cited by the Examiner is directed to completion of a telephone call using a telephone calling card to provide payment. There is no "merchant wireless server for storing information regarding customer identification" in the arrangement of Seiderman (or Ogasawara), nor is there disclosed or suggested the step of "upon receiving authorization from said

O'Neil 2000-0434

network bill payment server, receiving and displaying authorized payment information on both said merchant wireless server and said mobile wireless terminal, the merchant thereby receiving payment without receiving payment account information associated with the user", as defined in amended method claim 1. Similar amendments have been made to independent apparatus claims 20 and 22.

Without this teaching, along with the defined architecture of a "mobile wireless terminal" and a "merchant wireless server", applicant asserts that the combination of Ogasawara and Seiderman cannot be found to render obvious the teaching of the present invention. Applicant therefore respectfully requests the Examiner to reconsider this rejection and find remaining claims 1-3, 5-8, 20 and 22 to be in condition for allowance.

If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully,

Joseph Thomas O'Neil

By: Wendy W. Koba

Wendy W. Koba
Attorney for applicants
Reg. No 30509
610-346-7112

Date: 6/30/04